

DUMONT JOINT LAND USE BOARD MINUTES FOR JUNE 28, 2011 MEETING

Flag Salute

SESSION: This is a meeting of the Joint Land Use Board, of the Borough of Dumont, held in the Council Chambers.

**June 28, 2011
7:30 PM**

SUNSHINE LAW: This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Council Chambers on June 28, 2011. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to ***The Record*** and the ***Ridgewood News***, the official newspapers of the Borough of Dumont, filed with the Borough Clerk and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

ROLL CALL:

Thomas Trank	P	Marian Reitano	P	Kenneth Freeman	P
Elizabeth Marchese	A	Ken Melamed	P	Robert Huth	P
Eric Abrahamsen	P	William Goodman	P	Irwin Buchheister Alt # 1	P
Elmer Pacia Alt # 3	P	Chairman Timothy Hickey	P		

Others: Board Attorney – Kaufman, Bern, Deutsch & Leibman: Marc Leibman-P
Board Engineer – Birdsall Engineering: James Giurintano-P
Board Planner – Neglia Engineering: Dan Kaufman-P
Board Clerk - Rosalia Bob-P

BUSINESS: Review and Approval of Business Professional Invoices

Chairman Timothy Hickey states that he will sign off on these items at the end of the meeting.

BUSINESS: Approval of March 2011 Minutes Open / Closed Session, April 2011 and May 2011 Minutes

Chairman Timothy Hickey tables this item till the following month's meeting July 26, 2011

BUSINESS: Discussion on Lawsuit - 15 Wakelee Drive Corporation vs.
Joint Land Use Board of the Borough of Dumont

Chairman Timothy Hickey tables this item till the following month's meeting July 26, 2011

CONTINUATION: 10-10 Judith Brodtkin 197 New York Avenue
Block- 1005, Lot- 25
Minor Subdivision into two single family building lots, Bulk Var.

The attorney for the application, Richard Kelly begins by submitting the affidavit and publication to the board. He states that the application began originally as a minor subdivision and then they changed plans and changed the nature of the variance due to an attempt of contractually purchasing the drainage ditch strip. He explains that they originally published for the March meeting but the new application brought on a new element of the NJ DEP and titling issues for the drainage strip. Richard Kelly explains that during the title search originally years ago there was a subdivision for a property down the road from this site that came before the board and within the abstract of the deed for that subdivision the block and lot of the drainage strip was included within that parcel. He states that they continued the title search but it did not come up with an owner for that strip and it was seen on no other deed. Richard Kelly explains that they had a meeting with town officials regarding this parcel and the applicant had offered an off track contribution to improve that area. He states that the town would not get involved just in case the other homeowners start litigation. He presents into evidence as A6 the title search paperwork that was compiled for the drainage ditch. Richard Kelly details that the ten foot strip has appeared and disappeared from tax maps and deeds. He states that his search had gone back to the 1930's and still can not find a clear owner.

Richard Kelly calls his first witness, Moshe Kline who is the property owner's son in law. Richard Kelly reconfirms with Mr. Kline all the original documents that were placed into evidence at the first hearing. Richard Kelly calls his second witness, Steve Cavadias who is the zoning code enforcement officer. Mr. Cavadias confirms that he has observed the DPW had cleaned and worked on the drainage ditch. He states that he must go if police and DPW have been called. He has seen them remove significant clippings, debris, shopping carts, etc. He states that the DPW will not be going back anymore since the ditch has an unknown owner. Thomas Trank asks why the DPW will not maintain the area. Steve Cavadias states that they can't maintain private property. Eric Abrahamsen asks why can't they bill Wakelee and if they don't own can the town seek eminent domain. Steve Cavadias explains that you can't bill Wakelee since they don't really own the strip and no one knows who owns it.

Chairman Timothy Hickey opens the hearing to the public. Several residents: Mira Desilva 119 New York Ave; Citarella 50 Pershing Street; Antoinette Famolare 170 Blauvelt. All asked question, such as: If DPW will not maintain then why were they cutting the dead end area and removing a tree; where was a shopping cart found. Steve Cavadias explains that the DPW in a meeting with town representatives stated that they

will no longer clean that area since it has a private owner and the shopping cart was found on the dead end of Blauvelt. Chairman Timothy Hickey closes the hearing to the public.

Richard Kelly calls his next witness, Michael Hubschman who is the engineer for the project. He presents into evidence as A7 the revised engineer plans. He explains that they went back to the original plans of a small subdivision with an additional driveway on New York Avenue. Mr. Hubschman explains that the footprint of a dwelling was only put on the subdivision and the details of the house would be done later at the permit level. He states that all the setbacks will comply with zoning and a rear yard seepage pit will be added. He explains that if plan and new house is approved it will decrease the water on site due to the new drainage and seepage pit; it will improve the site and improve the run off from the site; it will not effect others around the site since there will be a decrease of water on the site. He states that 8 trees will be removed and they are not proposing any planting. Thomas Trank asks if an additional seepage pit can be added onto the original site. The applicant agrees to connect leads to pit and add additional pit to original site. Mr. Hubschman states that when he surveyed the area that on the Pershing Street side at the end of Blauvelt, there are fences that were installed into the drainage ditch area property. The board engineer, James Giurintano raised questions concerning the drainage calculations; ditch DEP jurisdiction; sanitary sewer and fire hydrant installation. Mr. Hubschman confirms with the applicant that he is willing to install a new fire hydrant for the houses in that area as a condition for approval.

Chairman Timothy Hickey opens the hearing to the public. Two residents: Antoinette Famolare 170 Blauvelt and Ann Farricker POA for Theresa Farricker 139 Howard. Ask questions, such as: which area will be the drainage pitch; would footprint increase; will it be able to handle the water in the area. Mr. Hubschman details the areas that will contain the pitch and states that this is the footprint being approved, if a bigger footprint is sought then they would have to come back before the board. Chairman Timothy Hickey closes the hearing to the public.

Richard Kelly calls his last witness, Steven Lydlen who is the planner for the project. Mr. Lydlen details the property, the location and the surrounding features. He explains that the property is oversized, just being shy of two lots and there are no environment constraints. The new lot that will be created with the subdivision is adjacent to a 10 foot wide drainage ditch giving the visual appearance of being a larger lot. He states that he reviewed the town's Master Plan and land use element and this application furthers three of them. There will be no over crowding, the project will ensure for off street parking and it will contain a driveway and garage for 2 spaces. Mr. Lydlen states that the seepage pit will greatly add to the existing area, the applicant will provide for an additional seepage pit, will provide a water main and fire hydrant to the area. He explains that no other lot is larger than the proposed and the building envelope will meet all zoning requirements. He further states that there are no substantial detriments to the Master Plan. Thomas Trank asks who would see the rendition of the new house, will it come back to the board or will that be with the Building Department. The board attorney, Marc Leibman states that it will be the Building Department.

Chairman Timothy Hickey opens the hearing to the public. Two residents: Mira Desilva 119 New York Ave and Rosanne Marcuso 182 New York Ave. Asked questions, such as: garage and parking issues; new hydrant will be at end of road away from paved area; will the block be increased in noise, congestion and become unsafe. Mr. Lydlen states that parking provided will be off street and will comply. He indicated that the water main and fire hydrant is a great improvement for that area. Chairman Timothy Hickey closes the hearing to the public.

Chairman Timothy Hickey opens the hearing to the public for any and all comments. Several residents made comments regarding the application. Antoinette Famolare 170 Blauvelt states that they are very upset because of the current water problem they face in that area now to which everything badly floods. She states that the drainage pits will not help the areas neighbors. She states that her house and applicant's house both flood. Chairman Timothy Hickey states that the water issues would be reduced slightly due to the additional seepage pit in the area. Karen Moriarity 60 Pershing Street states that the removal of the 8 trees and the addition of a new house with windows facing their backyard will reduce their privacy. Tracy Hanson 60 Pershing Street states that they are upset that a new two story house will go up in their backyard reduce their privacy and area will be increased by more people, more cars and more traffic. Ann Farricker POA for Theresa Farricker 139 Howard upset that there will be more traffic and parking issues. She states that neighborhoods should be small and that people want more space. Chairman Timothy Hickey closes the hearing to the public.

Richard Kelly states that the applicant is trying to rectify the problems in the area. The project will not aggravate or add to the current water problem. The seepage pits will better improve the area. He states that with the rear yard setbacks, 10 foot drainage and then the side yard setback totaled shows that the new house will be far away from the Pershing Street neighbors.

Chairman Timothy Hickey calls for a motion from the board.

Motion to Approve with all stipulations indicated: Chairman Timothy Hickey
2nd by: Robert Huth

ROLL CALL:

Thomas Trank	Y	Marian Reitano	Y	Kenneth Freeman	A
Elizabeth Marchese	NA	Ken Melamed	Y	Robert Huth	N
Eric Abrahamsen	N	William Goodman	N	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	NA	Chairman Timothy Hickey	Y		

Motion Approved: 5 – 3

FORMAL: 11-01 Gary & Denise Winkel 91 Randolph Avenue
Block- 516, Lot- 5

Garage Replacement as part of Borough's Flood Control Work

The architect for the project who is handling the application did not appear for this evening's hearing so the board attorney, Marc Leibman carries the hearing to the next formal meeting to be held on July 26, 2011.

FORMAL: 11-02 Borough of Dumont 8 New Milford Avenue
Block- 903, Lot- 11
Borough Owned Subdivision Site Plan Approval, combine borough owned lot to adjacent private owner to provide additional parking

Appearing for the Informal is the attorney for the application, Gregg Pastor who is the town attorney and begins by explaining that the land to be subdivided is the intersection of New Milford and Virginia Avenue. He states that the subdivision would create additional parking for the doctor's office on the corner and would increase his parking lot to 6 regular spaces and 1 ADA space. Thomas Trank asks if the doctor will decide the space location. The engineer for the project, Brian Iandola who is with Neglia Engineering states that he did the site plan work for the street intersection project and he did the drawing of the additional parking spaces so that they align with the curb that was created. Gregg Pastor states that the town is in contract for the property owner to purchase the land strip from the town. He explains that notice was published but the 200 foot letter contained a typo and needs to be resent. Marc Leibman carries the hearing to the next formal meeting to be held on July 26, 2011.

Motion to Adjourn: Robert Huth
2nd by: Thomas Trank

Minutes respectfully submitted by:
Rosalia Bob
Joint Land Use Board Clerk